

MULTIMEDIA



UNIVERSITY

STUDENT IDENTIFICATION NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2015/2016

ULB 2612 – LABOUR LAW

(All Sections/Groups)

10 October 2015

Reading Time : 9.00 a.m – 9.15 a.m

(15 Minutes)

Answering Time : 9.15 a.m – 12.15 p.m

(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes. **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the question.
2. This Question paper consists of 3 Pages and 5 Questions only.
3. Answer **FOUR (4) Questions Only**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into the examination hall a **CLEAN** and **ORIGINAL** copy of:
 - i. Employment Act 1955
 - ii. Industrial Relations Act 1967
 - iii. Trade Union Act 1959
5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

“Sunvisions Sdn Bhd” is a private company that develops solar panels to be installed on rooftops in Malaysia. Masita works as a legal advisor for the Company. She has been working there for the last 4 years. Her salary was only revised after 1 year from the time she joined. Her last drawn salary is 5,000.00 per month.

She is assessed for her work performance annually through a Key Performance Index (KPI) evaluation. In the mid year 2015 evaluation, she is adjudged to perform below expectations. Masita was very upset about this as she felt she was adjudged unfairly by her supervisor. She goes to Leonard’s office and demands to see him. The door was locked. She banged the door quite viciously and there were scratch marks left behind. Noticing that no one was in, she left. When Leonard came back, he noticed the scratch marks on the door and further noticed that there were strands of hair on the floor. Leonard decides to collect the sample of hair and send for DNA testing. The results matched that of Masita, so he concludes that Masita damaged his door. The next day, Masita receives a letter from the company stating that her services are hereby terminated.

The excerpts from the letter are as follows:

Dear Ms Masita,

It has come to our attention that you are no longer fit to work with this company, as such your services are hereby terminated with immediate effect.

Thank you for the services that have been rendered and good luck in your future undertakings.

Yours sincerely,

Leonard s/o Superman

You are an Industrial and Labour law practitioner practising at Shah, Rina & Co, Advocates & Solicitors. Masita has heard from her friends that you are one of the best practising labour lawyers in the country so she has come to consult you. Advise her.

(Total: 25 marks)

QUESTION 2

The Construction Industry of Workers Union is in the process of being registered as a recognized Union in Malaysia. The proposed Union intends to represent the workers of Tahan Lasak Development Bhd for an action against their employer.

Continued...

You are required to outline the procedures that should be undertaken by the proposed Union in attaining recognition as a Union in Malaysia? In furtherance to the above, that where recognition has been accorded to Construction Industry of Workers Union, what are the types of action that may be taken up by the Union against the employer?

(Total: 25 marks)

QUESTION 3

Anil Singh is a member of a trade union at his workplace. Recently the trade union invited the company to commence collective bargaining with the view of concluding a collective agreement. The trade Union came up with a list of proposal containing terms and conditions of work they would like to be included in the collective agreement.

Unfortunately the proposals were rejected by the management and instead they were asking the union to accept their terms, which in most part unfair to workers. Consequently both parties failed to come to a compromise. Several union members suggested that the union should take industrial actions to solve the trade disputes. They decided to proceed with a secret ballot before the proposed strike. Only one third of the members of union voted for the secret ballot. The Union does not provide its member the resolution on the issues of the proposed strike. Then the Union sent the result of ballots to the Director General of Trade Union within 18 days of taking the ballots. They intended to proceed with the strike.

Advise Anil Singh and other members of the trade union concerning the events mentioned in the above scenario. You are also further required to advise whether the employer may counter with the lock-out.

(Total: 25 marks)

QUESTION 4

Miss Kow is employed as a Chief Travel Consultant by a Leo Travels Sdn Bhd. Miss Kow started off working very well in the first six months at work whereby she used to speak to at least 100 potential travellers a day but in the last 3 months she has only managed to speak to 30 of them. These conversations are recorded in a sophisticated recording software that was installed by the company recently. It appears that she has become quite lethargic to do more than 30 conversations daily.

Continued...

There is also evidence that there has been a burn out on her part and that she was suffering from some kind of throat problem that impeded her speaking ability.

As a result of the alleged poor performance, Miss Kow was designated a new position as an Deputy Chief of Accounts drawing the same salary but which is in fact a lower ranking post. Also, she now has to share a room with 4 other staff but previously she had her own room. She also has to report to The Chief Accountant every day on the progress of the overall business in the company. Although Miss Kow now doesn't have to speak and therefore does not need to injure her throat further, her working hours have been extended by 1 hour on a daily basis as there are many accounts that she has to oversee. She wants to know if she can make a claim against the company for constructive dismissal. Advise Miss Kow.

(Total: 25 marks)

QUESTION 5

The Employers' Social Security Act or commonly known as SOCSO was enacted to provide protection for employees and their families against economics and social distress in situations where the employees sustain injury or death.

You are hereby required to explain the scope and the purpose of the Act and discuss the benefits and protection provided under the Act.

(Total: 25 marks)

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